

Richard P. v. School District

C [REDACTED] B [REDACTED]

April 26, 2005

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RICHARD P., by and for :
R [REDACTED] P., and DENISE L., :
by and for K [REDACTED] L., :
Plaintiffs :

v.

Civil Action No. 03-390
Erie

SCHOOL DISTRICT OF THE CITY :
OF ERIE, PENNSYLVANIA; JANET :
WOODS, Individually and in :
her Capacity as Principal of :
Strong Vincent High School; :
and LINDA L. CAPPABIANCA, :
Individually and in her :
Capacity as Assistant :
Principal of Strong Vincent :
High School, :
Defendants :

Videoconference Deposition of C [REDACTED] B [REDACTED]

JUNIOR, taken before and by Janis L. Ferguson, Notary
Public in and for the Commonwealth of Pennsylvania, on
Tuesday, April 26, 2005, commencing at 10:08 a.m.,
at the Erie County Bar Association, 302 West 9th
Street, Erie, Pennsylvania 16501.

Reported by Janis L. Ferguson, RPR
Ferguson & Holdnack Reporting, Inc.

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C [REDACTED] B [REDACTED]

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<p style="text-align: right;">Page 2</p> <p>1 For the Plaintiffs:</p> <p>2 Edward Olds, Esquire</p> <p>3 Carolyn Spicer Russ, Esquire</p> <p>4 1007 Mount Royal Boulevard</p> <p>5 Pittsburgh, PA 15223</p> <p>6 For the Defendants:</p> <p>7 James T. Marnen, Esquire</p> <p>8 Knox McLaughlin Gornall & Sennett, PC</p> <p>9 120 West 10th Street</p> <p>10 Erie, PA 16501</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 MR. MARNEN: All right. Let's begin, please.</p> <p>2 C [REDACTED] my name is Jim Marnen. I am an</p> <p>3 attorney representing the Erie School District in</p> <p>4 a lawsuit brought against the Erie School District</p> <p>5 by R [REDACTED] P [REDACTED] and K [REDACTED] L [REDACTED]</p> <p>6 We are here today on April 26th, 2005, at</p> <p>7 five minutes after 10:00 in the morning to take</p> <p>8 your deposition. It will be -- it is being done</p> <p>9 by videoconferencing. In addition, it is being</p> <p>10 videotaped.</p> <p>11 Also in the room with me are a couple other</p> <p>12 people. First of all, there is a court reporter</p> <p>13 in the room on this end, and she is taking down</p> <p>14 everything that is being said here today.</p> <p>15 Secondly, next to me is my paralegal. Jamie Amann</p> <p>16 is her name. Across the table is Edward Olds, who</p> <p>17 may ask you questions also during this deposition.</p> <p>18 If he does ask you questions, he will come to sit</p> <p>19 in the seat I am sitting in, because the camera is</p> <p>20 trained upon me and only me.</p> <p>21 Also in the room are R [REDACTED] P [REDACTED], who is</p> <p>22 one of the Plaintiffs in the case; Richard</p> <p>23 P [REDACTED], who is R [REDACTED] P [REDACTED]'s father; and</p> <p>24 Denise L [REDACTED], who is the mother of K [REDACTED] L [REDACTED]</p> <p>25 I don't think this will take too long. I</p>
<p style="text-align: right;">Page 3</p> <p>1 INDEX</p> <p>2</p> <p>3 TESTIMONY OF C [REDACTED] B [REDACTED]</p> <p>4 Direct examination by Mr. Marnen 3</p> <p>5 Cross-examination by Mr. Olds 34</p> <p>6 Redirect examination by Mr. Marnen 49</p> <p>7 Recross-examination by Mr. Olds 52</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p>1 think it will take less than an hour.</p> <p>2 Our purpose here today is simply to ask you</p> <p>3 questions about various events that we think are</p> <p>4 relevant to the lawsuit that is pending. The</p> <p>5 lawsuit has been brought against the Erie School</p> <p>6 District arising out of events that occurred at</p> <p>7 and in the vicinity of Strong Vincent High School</p> <p>8 during the school year 2001/2002.</p> <p>9 If at any time during this deposition you'd</p> <p>10 like to take a break or something, that's fine,</p> <p>11 but, again, I don't think it's going to take very</p> <p>12 long. I appreciate your coming here today. I</p> <p>13 thank you for doing that. And so if you don't</p> <p>14 mind, we'll start right away right now.</p> <p>15</p> <p>16 C [REDACTED] B [REDACTED], first having</p> <p>17 been duly sworn, testified as follows:</p> <p>18</p> <p>19 DIRECT EXAMINATION</p> <p>20 BY MR. MARNEN:</p> <p>21 C [REDACTED]</p> <p>22 Q. [REDACTED], would you state your full name, please.</p> <p>23 A. C [REDACTED] B [REDACTED]</p> <p>24 Q. May I call you [REDACTED] C [REDACTED]</p> <p>25 A. Yes.</p>

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C B Page 6	Page 8
<p>1 Q. All right, thank you. C B, what is the date</p> <p>2 of your birth?</p> <p>3 A. 5/31/1987.</p> <p>4 Q. That's May 31, 1987?</p> <p>5 A. Yes.</p> <p>6 Q. Where do you presently reside?</p> <p>7 A. Glen Mills Schools.</p> <p>8 Q. Now, is that Glen Mills Schools as in Glen Mills,</p> <p>9 Pennsylvania?</p> <p>10 A. Yes.</p> <p>11 Q. What is Glen Mills Schools? What does it do?</p> <p>12 A. It's a school where I can get an education and</p> <p>13 play on the sports, with vo-tech opportunities, shops.</p> <p>14 Q. Did you at one time attend Strong Vincent High</p> <p>15 School in Erie, Pennsylvania?</p> <p>16 A. Yes.</p> <p>17 Q. Can you tell us when that was.</p> <p>18 A. I don't know exactly what year, but I know what</p> <p>19 grade I was in.</p> <p>20 Q. What grade was that?</p> <p>21 A. I was in eighth grade.</p> <p>22 Q. Does 2001/2002 ring a bell?</p> <p>23 A. Yes. C B</p> <p>24 Q. What grade are you in right now, C B?</p> <p>25 A. I am in eleventh grade.</p>	<p>1 A. Yes.</p> <p>2 Q. Did you finish out the eighth grade at Edmund L.</p> <p>3 Thomas?</p> <p>4 A. Yes. C B</p> <p>5 Q. Where did you go to ninth grade, C B?</p> <p>6 A. McDowell High School.</p> <p>7 Q. McDowell High School?</p> <p>8 A. Yes.</p> <p>9 Q. That's also in Erie, Pennsylvania?</p> <p>10 A. Yes.</p> <p>11 Q. Did you go the entire ninth grade at McDowell?</p> <p>12 A. No, I didn't.</p> <p>13 Q. Where did you go after McDowell?</p> <p>14 A. Went -- I believe I went to Perseus House.</p> <p>15 Q. Would you say that again, please.</p> <p>16 A. Perseus House.</p> <p>17 Q. Perseus House. Okay. Did you finish out ninth</p> <p>18 grade at Perseus House?</p> <p>19 A. Yes.</p> <p>20 Q. Is Perseus House also located in Erie?</p> <p>21 A. Yes.</p> <p>22 Q. Where did you go to tenth grade?</p> <p>23 A. McDowell.</p> <p>24 Q. Did you finish tenth grade at McDowell?</p> <p>25 A. No.</p>
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<p>1 Q. So at Strong Vincent, you were in eighth grade?</p> <p>2 A. Yes.</p> <p>3 Q. Did you go the entire year in eighth grade at</p> <p>4 Strong Vincent?</p> <p>5 A. No, not the entire year.</p> <p>6 Q. At some point in time you left Strong Vincent and</p> <p>7 went somewhere else?</p> <p>8 A. Yes. C B</p> <p>9 Q. Where did you go, C B?</p> <p>10 A. First Assembly.</p> <p>11 Q. Is that First Assembly Christian Academy?</p> <p>12 A. Yes.</p> <p>13 Q. Is that located in Erie, Pennsylvania also?</p> <p>14 A. Yes.</p> <p>15 Q. Did you finish out the eighth grade at First</p> <p>16 Assembly?</p> <p>17 A. No.</p> <p>18 Q. Where did you go after First Assembly in eighth</p> <p>19 grade?</p> <p>20 A. I believe I went -- I went to my detention center,</p> <p>21 I think. Detention center.</p> <p>22 Q. Is that detention center named Edmund L. Thomas</p> <p>23 Center?</p> <p>24 A. Yes.</p> <p>25 Q. And is that also located in Erie, Pennsylvania?</p>	<p>1 Q. Where did you go after McDowell?</p> <p>2 A. I went to George Junior.</p> <p>3 Q. Did you finish tenth grade at George Junior?</p> <p>4 A. Yes.</p> <p>5 Q. George Junior is in Grove City, Pennsylvania,</p> <p>6 correct?</p> <p>7 A. Yes.</p> <p>8 Q. And now you're in eleventh grade. Did you start</p> <p>9 eleventh grade at Glen Mills?</p> <p>10 A. No. C B</p> <p>11 Q. Where did you start eleventh grade, C B?</p> <p>12 A. George Junior.</p> <p>13 Q. And then at some point in time you transferred to</p> <p>14 Glen Mills?</p> <p>15 A. Yes.</p> <p>16 Q. All right. And you have been in Glen Mills ever</p> <p>17 since, correct?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. Glen Mills, as I understand it, Glen Mills,</p> <p>20 Pennsylvania is near Philadelphia?</p> <p>21 A. Yes.</p> <p>22 Q. Do you remember being charged in 2002 with some</p> <p>23 crimes with respect to K B L and R B P?</p> <p>24 A. Yes.</p> <p>25 Q. And as I understand it, you were adjudicated by</p>

3 (Pages 6 to 9)

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<p style="text-align: right;">Page 10</p> <p>1 the Court to be delinquent?</p> <p>2 A. Yes.</p> <p>3 Q. As a result of that adjudication, were you placed</p> <p>4 somewhere?</p> <p>5 A. Yes.</p> <p>6 Q. Were you placed in Perseus House?</p> <p>7 A. That was Hermitage House.</p> <p>8 Q. Hermitage?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. So did you leave First Assembly Christian</p> <p>11 Academy and go to Hermitage House?</p> <p>12 A. Yes.</p> <p>13 Q. Did you do that before the end of your eighth</p> <p>14 grade?</p> <p>15 A. I believe it was the middle.</p> <p>16 Q. Okay. The middle of eighth grade?</p> <p>17 A. Yes.</p> <p>18 Q. Did you leave Strong Vincent High School in</p> <p>19 January of 2002?</p> <p>20 A. Yes.</p> <p>21 Q. Do you remember whether you were charged with the</p> <p>22 crimes with respect to K. L. and R. P. also</p> <p>23 in January of 2002?</p> <p>24 A. Yeah, I would say yes.</p> <p>25 Q. Around that time?</p>	<p style="text-align: right;">Page 12</p> <p>1 get as close to the date as you can -- please tell me when</p> <p>2 you went to Hermitage House. Was it in February of 2002 or</p> <p>3 March or April or --</p> <p>4 A. It was February.</p> <p>5 Q. February?</p> <p>6 A. Yes.</p> <p>7 Q. Do you have any recollection of being questioned</p> <p>8 by the Erie Police Department concerning the offenses</p> <p>9 relating to R. P. and K. L.?</p> <p>10 A. Yes.</p> <p>11 Q. Did that happen after you left Strong Vincent and</p> <p>12 went to First Assembly Christian Academy?</p> <p>13 A. Yes.</p> <p>14 Q. Why did you transfer from Strong Vincent High</p> <p>15 School to First Assembly Christian Academy?</p> <p>16 A. My mom -- my mom wanted me out of that school.</p> <p>17 Q. She wanted you out of school. Did that have</p> <p>18 anything to do with the charges concerning R. P. and</p> <p>19 K. L.?</p> <p>20 A. The School District -- the school wanted to send</p> <p>21 me to alternative ed. program, but my mom didn't want -- my</p> <p>22 mom didn't want me to go there.</p> <p>23 Q. Okay.</p> <p>24 (Discussion held off the record.)</p> <p>25 Q. Okay. So the Erie School District wanted you to</p>
<p style="text-align: right;">Page 11</p> <p>1 A. Yes.</p> <p>2 Q. Okay. And the Court then sentenced you as part of</p> <p>3 your sentence to go to Perseus House?</p> <p>4 A. They sent me to Hermitage House first.</p> <p>5 Q. Oh, I'm sorry. You're right. They sent you to</p> <p>6 Hermitage House. And did you finish the eighth grade at</p> <p>7 Hermitage House?</p> <p>8 A. Yes. Yes, I did.</p> <p>9 Q. Okay. And then I guess you went to McDowell in</p> <p>10 ninth grade, right?</p> <p>11 A. I went -- I went from -- I got -- I got FTA'd from</p> <p>12 to Hermitage House, then I went to Perseus House.</p> <p>13 Q. Oh, okay. Hermitage, then Perseus and then</p> <p>14 McDowell?</p> <p>15 A. Yes.</p> <p>16 Q. Were you in Perseus House also because of the</p> <p>17 adjudication of delinquency with respect to R. P. and</p> <p>18 K. L.?</p> <p>19 A. Yes.</p> <p>20 Q. Why did you change from Hermitage House to Perseus</p> <p>21 House; do you know?</p> <p>22 A. Because I got failure to adjust.</p> <p>23 Q. I'm sorry, say again.</p> <p>24 A. Failure to adjust.</p> <p>25 Q. Okay. C. B., can you, as best you remember --</p>	<p style="text-align: right;">Page 13</p> <p>1 go to alt. ed. --</p> <p>2 A. Yes.</p> <p>3 Q. -- and your mom did not want that, and so you left</p> <p>4 and went to First Assembly?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. Were you at any meeting when the School</p> <p>7 District told you and your mom that they wanted you to go to</p> <p>8 alt. ed.?</p> <p>9 A. Yes.</p> <p>10 Q. Who was that meeting with?</p> <p>11 A. It was with the principal, it was with one of the</p> <p>12 teachers, and some people from the School District.</p> <p>13 Q. Where did the meeting take place?</p> <p>14 A. Principal office upstairs.</p> <p>15 Q. Is that Janet Woods?</p> <p>16 A. No. It was Miss Cappabianca.</p> <p>17 Q. Miss Cappabianca's office?</p> <p>18 A. Yes.</p> <p>19 Q. So Miss Cappabianca was there, and you were there,</p> <p>20 and your mom was there, right?</p> <p>21 A. Yes.</p> <p>22 Q. And somebody else from the School District? Is</p> <p>23 that what you're saying?</p> <p>24 A. Yes.</p> <p>25 Q. What teacher was there? Do you remember?</p>

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1 A. I remember her face. I forget her name.
 2 Q. Was it Miss Manus?
 3 A. Say that again.
 4 Q. Was it Miss Manus?
 5 A. Yes. Yes.
 6 Q. Was her first name Connie, do you know?
 7 A. I wouldn't know her first name.
 8 Q. You just knew HER by "Miss", okay. So at the
 9 meeting were Miss Manus, Miss Cappabianca, your mother, and
 10 you, correct?
 11 A. Yes.
 12 Q. And was somebody else there?
 13 A. The School District.
 14 Q. Someone from the School District? One person?
 15 A. That was it.
 16 Q. I'm sorry, what?
 17 A. Yes, it was one person.
 18 Q. Okay. Was it a man or a woman?
 19 A. It was a woman.
 20 Q. Was it Miss Moore?
 21 A. I wouldn't -- I wouldn't recall her name.
 22 Q. Okay. All right. Who explained to you that the
 23 School District wanted to put you in alt. ed.?
 24 A. Miss Cappabianca.
 25 Q. Did she explain why?

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1 A. Yes.
 2 Q. What did she say?
 3 A. Said -- well -- well, some -- first she said it
 4 was my behavior in the school. Then she said it had
 5 something to do, you know, with my charges.
 6 Q. The charges with respect to K. L. and R. P.?
 7 A. Yes.
 8 Q. Okay. What did your mother say about that?
 9 A. My mom didn't want me to go back, because I
 10 already went to that school. She didn't want me to go back
 11 there, because I wasn't learning anything up there. All it
 12 was, was a school for bad people or kids, you know, that had
 13 trouble in school, and she didn't want me going back up
 14 there. C. B.
 15 Q. C. B., you had been there before; is that right?
 16 A. Yes.
 17 Q. When were you there? What grade?
 18 A. Seventh grade.
 19 Q. And where was the alternative education program
 20 held?
 21 A. On State Street.
 22 Q. Was it Perseus House?
 23 A. Yes.
 24 Q. Okay. Do you remember the exact day of that
 25 meeting we just discussed, when the alternative education

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1 placement was talked about?
 2 A. No.
 3 Q. Was it in January of 2002?
 4 A. It -- yes, it -- that's when it is -- yeah.
 5 Because I think December or January. It had to be January.
 6 Q. Why do you think it was January?
 7 A. Because -- because it happened like maybe a couple
 8 weeks after my -- after my incident.
 9 Q. Oh, it happened a couple weeks after the incident?
 10 A. I believe, yes.
 11 Q. Are you talking now about the incident involving
 12 K. L. and R. P.?
 13 A. Yes. C. B.
 14 Q. When did that take place, C. B.?
 15 A. It was like December --
 16 Q. Did you just give a date? I didn't hear you. You
 17 said December?
 18 A. It was around like December, I believe, 21st.
 19 Like 17th or 21st. Between them.
 20 Q. Why do you think it was the 17th or 21st?
 21 A. Because I remember it was before Christmas. It
 22 was right before Christmas.
 23 Q. Right before Christmas?
 24 A. Yes.
 25 Q. Okay.

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1 A. The break.
 2 Q. Right before Christmas break? Is that what you
 3 said?
 4 A. Yes. C. B.
 5 Q. All right. And where did it take place, C. B.?
 6 A. Excuse me? Say that question again.
 7 Q. Yes. Where? What location? What was the
 8 location of the incident?
 9 A. Across the street from the school.
 10 Q. What street was it across? Was it 8th Street or
 11 Washington Place?
 12 A. I think it was the street on Washington.
 13 Q. Okay.
 14 A. Because by -- by a Laundromat.
 15 Q. Right. Was the name of that Laundromat the
 16 Frontier Village Laundry?
 17 A. Yes.
 18 Q. Is that located on 8th Street in Erie,
 19 Pennsylvania?
 20 A. Yes.
 21 Q. Is that located on the east side of Washington
 22 Place in Erie, Pennsylvania?
 23 A. The east side?
 24 Q. Yeah. Do you know, when you stand at the front
 25 door of Strong Vincent High School and look out at the

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1 street in front of you, what street are you looking at?

2 A. You look at 8th Street.

3 Q. Okay. Do you know what direction you're looking

4 in; north, south, east, west?

5 A. I believe that's north, I guess.

6 Q. All right. Well --

7 A. I wouldn't --

8 Q. Go ahead. I didn't mean to interrupt you.

9 A. No, I have --

10 Q. Okay. If you stand at the front -- on the front

11 steps of the school and you look at 8th Street in front of

12 you, where was that Laundromat located? Off to your left?

13 Off to your right?

14 A. It was to my left.

15 Q. Okay. And across the -- not across 8th Street,

16 but across Washington Street?

17 A. Yes.

18 Q. Okay. And Washington Street runs -- it crosses

19 8th Street, doesn't it?

20 A. Yes.

21 Q. So the Laundromat is about on the corner of 8th

22 and Washington? Is that a fair statement?

23 A. Yes.

24 Q. Okay. So the incident happened at the Laundromat?

25 A. Yes.

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1 Q. Did it happen in the Laundromat or outside the

2 Laundromat?

3 A. It happened in -- in and out.

4 Q. Okay, both places. All right.

5 A. Yes.

6 Q. What time of day did it happen?

7 A. What time?

8 Q. Yeah.

9 A. Well, it was like -- around like 6:30, because it

10 was after PASS.

11 Q. After PASS?

12 A. Yes. Because I had to stay after school for PASS.

13 Q. Does PASS mean Program for After-School

14 Suspension?

15 A. Yes.

16 Q. And you were at PASS that afternoon; is that what

17 you were saying?

18 A. Yes.

19 Q. And it happened after you got out of PASS?

20 A. Yes.

21 Q. So PASS ended at what time of day? Do you

22 remember?

23 A. 6:00.

24 Q. 6:00?

25 A. Yes.

Page 20

1 Q. Are you able to say when after 6:00 the incident

2 happened, or are you just able to say it was after 6:00?

3 A. I -- I'm -- it was like -- because I remember my

4 dad being late coming to pick me up. It was like around

5 7:00.

6 Q. Okay.

7 A. I'll say 7:00.

8 Q. Was it dark out?

9 A. Yes.

10 Q. And who was there at the time of the incident?

11 A. Would you make that a little bit clearer for me to

12 understand?

13 Q. Yeah. What people were there that evening? Was

14 B. C. there, for example?

15 A. Yes.

16 Q. And R. P. was there, right?

17 A. Yes.

18 Q. K. L.?

19 A. Yes.

20 Q. Was Y. H. there?

21 A. A little.

22 Q. A little bit, okay. How about C. ?

23 A. ?

24 A. No.

25 Q. She was not there?

Page 21

1 A. No.

2 Q. Was A. K. there?

3 A. Yes.

4 Q. And was A. F. there?

5 A. Yes. CB

6 Q. Have I left anybody out, C. ?

7 A. No.

8 Q. Okay. Your dad was going to pick you up from

9 after PASS that night. Is that what was going on?

10 A. Yes. Yes.

11 Q. And did he eventually pick you up?

12 A. No, he did not.

13 Q. How did you get home?

14 A. I walked home.

15 Q. At that time did you live at 1725 West 14th Street

16 in Erie, Pennsylvania?

17 A. Yes.

18 Q. Do your parents now live at 6023 Glade Drive in

19 Erie, Pennsylvania?

20 A. Yes.

21 Q. 1725 West 14th Street was, what, six or seven

22 blocks from Strong Vincent?

23 A. Yes. CB

24 Q. C. , before the night of the incident, did you

25 know R. P. or K. L. ?

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Page 22

1 A. Yes.

2 Q. Were they in any of your classes in Strong

3 Vincent?

4 A. Yes. RP

5 Q. What classes was R. in with you?

6 A. It was in one -- she was in one of my classes. I

7 forgot the teacher you said in the beginning.

8 Q. Was it Miss Manus?

9 A. Yes.

10 Q. Miss Manus' class? Okay. Do you remember what

11 that class was, what the subject taught was?

12 A. I believe it was English.

13 Q. English? Okay. And were you in any classes with

14 K. L.?

15 A. Yes. KL

16 Q. What class were you in with K.?

17 A. Social studies. I forgot the teacher name. I

18 forgot her name.

19 Q. Miss Scully? Miss Scully?

20 A. Yes. Yes.

21 Q. So you were in one class with R. and one class

22 with K. KL

23 A. Yes.

24 Q. Okay. At any time prior to the incident, did --

25 if you know, did R. or K. complain to any of your

RP KL

Page 23

1 teachers or an administrator at Strong Vincent that you were

2 bothering them?

3 A. No.

4 Q. They never made a complaint like that?

5 A. No.

6 Q. Did you ever bother them before the time of the

7 incident?

8 A. No.

9 Q. At any time prior to the incident, did you ever

10 tell K. L. that you were going to take her into a

11 restroom at Strong Vincent and force her to perform oral sex

12 on you?

13 A. No. I never even knew them. I never even would

14 talk to them. KL

15 Q. You never talked to K. before the incident?

16 A. No. RP

17 Q. Did you ever talk to R. before the incident?

18 A. No. Neither one of them.

19 Q. How was it you got to meet them, then? You met

20 them for the first time on the night of the incident? Is

21 that what you're saying?

22 A. I seen them before, but that was like my first

23 time ever like talking to them, like, you know.

24 Q. All right. How was it you got to meet them the

25 night of the incident?

Page 24

1 A. It was through B. C.

2 Q. Are you aware of B. C. bothering either

3 of those two girls before the incident?

4 A. No. Because I never had nothing to do with them,

5 like. I knew B., but not them.

6 Q. Did you do things with B. after school; you

7 know, hang out or anything?

8 A. Yes. I hung out with her.

9 Q. How about A. K. Did you know him

10 before the day of the incident?

11 A. Yes.

12 Q. He was a little bit older, wasn't he?

13 A. Yes. AK

14 Q. A., I think, was in twelfth grade at that

15 time?

16 A. Yes. AK

17 Q. How did you know A.?

18 A. I guess -- he knew my -- he knew my big brother.

19 They used to just hang together and stuff. And that's how

20 he knew me.

21 Q. Did your big brother go to Vincent too?

22 A. He used to.

23 Q. Did he go to Vincent the year you went to Vincent

24 in eighth grade?

25 A. No.

Page 25

1 Q. Let me just change the subject for a minute here.

2 You went to Vincent in the eighth grade. Where did you go

3 in seventh grade?

4 A. Harding. CB

5 Q. How long were you at Harding, C.?

6 A. Since I was in third grade.

7 Q. Okay. Third through seventh grade, you were at

8 Harding?

9 A. Yes.

10 Q. What grades do they have at Harding? Kindergarten

11 through eighth?

12 A. Yes.

13 Q. And Harding is Harding Elementary School -- or

14 they used to call it Harding -- what is the full name of the

15 school, do you know?

16 A. Harding Elementary.

17 Q. Okay.

18 A. I mean -- yes, Harding Elementary.

19 Q. But they also have seventh and eighth grade there?

20 A. Yes.

21 Q. Why didn't you stay at Harding in eighth grade?

22 Why did you go to Vincent?

23 A. I got kicked out. I went to the alternative ed.

24 program.

25 Q. Oh, that's when you went to Perseus House?

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<p style="text-align: right;">Page 26</p> <p>1 A. Yes.</p> <p>2 Q. So you were at Harding -- was that the first time</p> <p>3 you were ever in Perseus House --</p> <p>4 A. Yes.</p> <p>5 Q. -- alternative education?</p> <p>6 A. Yes.</p> <p>7 Q. Yes?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. And that happened in -- are you telling me</p> <p>10 that happened in seventh grade at Harding?</p> <p>11 A. Yes.</p> <p>12 Q. How much of seventh grade did you spend in alt.</p> <p>13 ed.?</p> <p>14 A. From January till the end of the school year.</p> <p>15 Q. Okay. So August until January, you were at</p> <p>16 Harding, then.</p> <p>17 A. No. No, from -- yes. Yes. Yes.</p> <p>18 Q. Yes. Right. Then you went to Perseus House</p> <p>19 alternative education, right?</p> <p>20 A. Right.</p> <p>21 Q. And you finished out seventh grade at Perseus</p> <p>22 House?</p> <p>23 A. Yes.</p> <p>24 Q. So why didn't you go back to Harding in eighth</p> <p>25 grade?</p>	<p style="text-align: right;">Page 28</p> <p>1 Q. Okay. I'm almost done, C [REDACTED]. Just give me one</p> <p>2 second here, and then Mr. Olds may ask you some questions</p> <p>3 too.</p> <p>4 A. Yes. C [REDACTED]</p> <p>5 Q. C [REDACTED], I do have another question. Were you</p> <p>6 ever accused of any kind of a sexual assault with respect to</p> <p>7 R [REDACTED] P [REDACTED], other than the incident that led to the</p> <p>8 charges?</p> <p>9 A. No.</p> <p>10 Q. Do you have any memory of an incident happening in</p> <p>11 the Laundromat involving you and a Russell Henderson and</p> <p>12 R [REDACTED] P [REDACTED]?</p> <p>13 A. No.</p> <p>14 Q. Do you have any memory of Russell Henderson</p> <p>15 assaulting R [REDACTED]? R [REDACTED]</p> <p>16 A. No.</p> <p>17 Q. Do you know who Russell Henderson is?</p> <p>18 A. Yes.</p> <p>19 Q. Did you go to school with him at Strong Vincent?</p> <p>20 A. Yes.</p> <p>21 Q. Was he also in eighth grade?</p> <p>22 A. Yes. C [REDACTED]</p> <p>23 Q. C [REDACTED], you indicated earlier in your deposition</p> <p>24 that you were questioned by the police about the incident</p> <p>25 that led to the charges against you, right?</p>
<p style="text-align: right;">Page 27</p> <p>1 A. I don't know. I just wanted to go to -- I wanted</p> <p>2 to go to a big school.</p> <p>3 Q. All right. Because Harding is only four or five</p> <p>4 blocks from where you lived, right?</p> <p>5 A. Yes.</p> <p>6 Q. Whereas Vincent was about six or seven blocks.</p> <p>7 A. Yes. C [REDACTED]</p> <p>8 Q. Okay. C [REDACTED], do you have any recollection of</p> <p>9 ever having a conversation with Miss Cappabianca in</p> <p>10 December -- well, at any time before that meeting when they</p> <p>11 were talking to your mother about you going to alternative</p> <p>12 education, at any time prior to that, did Miss Cappabianca</p> <p>13 ever talk to you about your having a sexual relationship of</p> <p>14 any kind with K [REDACTED] L [REDACTED]?</p> <p>15 A. No.</p> <p>16 Q. Did you have any kind of a sexual relationship</p> <p>17 with K [REDACTED] L [REDACTED] before the incident?</p> <p>18 A. No. I never knew her.</p> <p>19 Q. Okay. You first really -- you first met her the</p> <p>20 night of the incident, right?</p> <p>21 A. Yes.</p> <p>22 Q. And that's -- just to make it perfectly clear,</p> <p>23 when we say "incident", we're talking about the incident</p> <p>24 that led to the charges against you, right?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 29</p> <p>1 A. Yes.</p> <p>2 Q. Where did that take place? At Strong Vincent or</p> <p>3 at the police station or someplace else?</p> <p>4 A. Well, you know, I got asked -- I got asked</p> <p>5 questions by, you know, the security guard at Strong</p> <p>6 Vincent. But I got questioned by the police in the police</p> <p>7 station.</p> <p>8 Q. Okay. One of the security guards at Strong</p> <p>9 Vincent asked you questions first, and then you were</p> <p>10 questioned down at the police station by the police?</p> <p>11 A. Yes.</p> <p>12 Q. Who was the security guard who questioned you at</p> <p>13 Strong Vincent?</p> <p>14 A. Wally.</p> <p>15 Q. Wally Love?</p> <p>16 A. Yes.</p> <p>17 Q. And when did he do that?</p> <p>18 A. When --</p> <p>19 Q. Let me put it to you this way: How long before</p> <p>20 the time the police questioned you did he question you?</p> <p>21 A. A couple days. C [REDACTED]</p> <p>22 Q. And when he questioned you, C [REDACTED], was he the</p> <p>23 only one in the room with you?</p> <p>24 A. No.</p> <p>25 Q. Who else was there when Wally Love questioned you?</p>

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<p>1 A. The principal. That's it.</p> <p>2 Q. Miss Woods?</p> <p>3 A. Yes.</p> <p>4 Q. That's Miss Woods?</p> <p>5 A. Yes.</p> <p>6 Q. So Wally Love and Miss Woods were in the same room</p> <p>7 with you, questioning you about the incident?</p> <p>8 A. Yes.</p> <p>9 Q. And that was a couple days before the police</p> <p>10 questioned you?</p> <p>11 A. Yes.</p> <p>12 Q. And did you leave Strong Vincent around the same</p> <p>13 time?</p> <p>14 A. Yes.</p> <p>15 Q. Did you leave Strong Vincent after the police</p> <p>16 questioned you down at the police department?</p> <p>17 A. I left before.</p> <p>18 Q. Okay. Did you leave Strong Vincent after Wally</p> <p>19 Love questioned you?</p> <p>20 A. Yes.</p> <p>21 Q. So between the time Mr. Love questioned you and</p> <p>22 the time the police questioned you at the police department,</p> <p>23 your parents took you out of Strong Vincent and put you in</p> <p>24 First Assembly?</p> <p>25 A. Yes.</p>	<p>1 A. I think before.</p> <p>2 Q. I'm sorry?</p> <p>3 A. I think -- it was before.</p> <p>4 Q. It was before Christmas vacation?</p> <p>5 A. I can't exactly remember. But I would say yeah,</p> <p>6 I'd say it was. I believe.</p> <p>7 Q. Okay. Did anybody accuse you before Christmas</p> <p>8 vacation that year of improper conduct concerning K [REDACTED]</p> <p>9 and R [REDACTED]? RP</p> <p>10 A. No.</p> <p>11 Q. When was that accusation first made?</p> <p>12 A. I think it was the next day.</p> <p>13 Q. The next day?</p> <p>14 A. Yes.</p> <p>15 Q. The next day after Cappabianca talked with you?</p> <p>16 A. Could you ask that question again?</p> <p>17 Q. Sure. I'm trying to find out how long after you</p> <p>18 talked with Miss Cappabianca about the incident that someone</p> <p>19 charged you with or accused you of doing something wrong</p> <p>20 with respect to K [REDACTED] and R [REDACTED].</p> <p>21 A. She was the first one to ask me the question.</p> <p>22 Like she pulled me to the office and asked me what was going</p> <p>23 on.</p> <p>24 Q. Okay. And you think she did that before Christmas</p> <p>25 vacation.</p>
Page 31	Page 33
<p>1 Q. Did the conversation with Miss Cappabianca about</p> <p>2 putting you into alternative education at Perseus House, did</p> <p>3 that conversation take place in the same day that Walter --</p> <p>4 Wally Love questioned you?</p> <p>5 A. No.</p> <p>6 Q. Did it take place the next day?</p> <p>7 A. Before.</p> <p>8 Q. Oh, that took place before the time Wally Love</p> <p>9 questioned you?</p> <p>10 A. Yes.</p> <p>11 Q. But during the conversation with Miss Cappabianca,</p> <p>12 where she wanted you to go to Perseus House and alternative</p> <p>13 education, she brought up two reasons; one was your conduct,</p> <p>14 and the other was the incident?</p> <p>15 A. Yes.</p> <p>16 Q. So did Miss Cappabianca question you about the</p> <p>17 incident before Wally Love did?</p> <p>18 A. Yes.</p> <p>19 Q. And when Miss Cappabianca questioned you about the</p> <p>20 incident, was anybody else in the room with the two of you?</p> <p>21 A. No.</p> <p>22 Q. Okay. Did it take place in her office?</p> <p>23 A. Took place at her office, yes.</p> <p>24 Q. Okay. Did it take place after you came back from</p> <p>25 Christmas vacation or before Christmas vacation?</p>	<p>1 A. Yes.</p> <p>2 Q. Now -- now, listen carefully now. What I'm trying</p> <p>3 to ask you now is how long after that did someone say to</p> <p>4 you, C [REDACTED], we think you did something wrong here with</p> <p>5 respect to K [REDACTED] and R [REDACTED]?</p> <p>6 A. A couple of days.</p> <p>7 Q. Okay.</p> <p>8 A. A day or two.</p> <p>9 Q. And who was the first person to tell you that they</p> <p>10 thought you did something wrong?</p> <p>11 A. Miss Woods.</p> <p>12 Q. Miss Woods, the principal?</p> <p>13 A. Yes.</p> <p>14 Q. And when she said that, was anybody else in the</p> <p>15 room?</p> <p>16 A. Wally.</p> <p>17 Q. Was that the time you were interviewed or</p> <p>18 questioned by Wally Love?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. And you think that was a couple days after</p> <p>21 Miss Cappabianca talked to you about it?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. And was it -- was the conversation with</p> <p>24 Wally Love and Miss Woods, where they accused you of doing</p> <p>25 something wrong, did that happen before Christmas vacation</p>

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1 or after Christmas vacation?

2 A. I'd say before.

3 Q. And you were at some point arrested, were you not?

4 A. Yes.

5 Q. Were you arrested before Christmas vacation or

6 after Christmas vacation?

7 A. After. CR

8 MR. MARNEN: C [REDACTED], I don't have any other

9 questions right now, but Mr. Olds probably does.

10 And I'm going to move out of my seat, because the

11 camera is trained on my seat, and let him sit

12 where I was sitting. Thank you very much.

13 THE WITNESS: You're welcome.

14

15 CROSS-EXAMINATION

16 BY MR. OLDS:

17 CR

18 Q. Good morning, C [REDACTED]. How are you?

19 A. How you doing? KL

20 Q. I'm okay. I'm Ed Olds, and I represent K [REDACTED]

21 and R [REDACTED]. And I do have a couple of questions. How do

22 you -- how do you remember Strong Vincent? Were you -- did

23 you -- did it seem like you were always in trouble at Strong

24 Vincent?

25 A. Was I -- was I ever getting in trouble?

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1 Q. Yeah. Were you in trouble a lot?

2 A. Most of the time.

3 Q. And do you remember what it was about? Like what

4 kind of problems you had there?

5 A. Like hyper in class. Like not doing my work.

6 (Witness asked for clarification by reporter.)

7 Q. You said hyper in class, right?

8 A. Yes. And not doing my work.

9 Q. And you had Miss Scully and Miss Manus. Do you

10 remember any of the other teachers that you had?

11 A. No.

12 Q. Now, I think you said you had -- you were in class

13 with K [REDACTED] in Miss Scully's class. Did you sit close to

14 her?

15 A. Well, I might have did -- I might have did a

16 couple of times, but I probably wouldn't, like, notice,

17 because I wasn't -- I wasn't paying attention to her. But

18 most of the time I would just sit by my friends.

19 Q. Okay.

20 A. Surrounded by my friends.

21 Q. In Miss Scully's class, do you remember who your

22 friends were?

23 A. Yes.

24 Q. Who were they?

25 A. J [REDACTED] W [REDACTED], R [REDACTED] H [REDACTED], S [REDACTED] That's

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1 it. A couple more. I forget their name, though.

2 Q. Okay. You had a -- I want to try to go through

3 some of the meetings that you had with Miss Cappabianca and

4 Miss Woods. Did you meet with Miss Cappabianca ever just

5 because you were in trouble in school? Did she have you in

6 her office?

7 A. Besides being in trouble?

8 Q. Well, no, I mean, before this -- before the stuff

9 with K [REDACTED] and R [REDACTED] happened, were you ever in her

10 office having conversations with her?

11 A. Yes.

12 Q. Would that be once a week, maybe? More often than

13 that?

14 A. About once a week.

15 Q. You were -- you said you had some problems with

16 being hyper in high school. Are you on medication now for

17 that hyperactivity?

18 A. No, I was. I'm not now.

19 Q. Oh, you were on -- you were on medication. Okay.

20 You weren't on medication then when you were in Strong

21 Vincent, were you?

22 A. Off and on. I used to -- sometimes I used to take

23 it, sometimes I didn't.

24 Q. Okay. What about when you were at Harding, and

25 they sent you to the alt. ed. program, do you remember

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1 specifically why -- why you were sent to that program?

2 A. All my behavior problems at school. All they did

3 was suspend me for being hyper in class.

4 Q. Did your mother go along with it at that time?

5 A. She did, but, you know, it got -- either it was

6 homeschool or that, and I didn't want to do no homeschool,

7 so I decided I'll go there.

8 Q. To alt. ed., okay.

9 A. Yes.

10 Q. So the next year, you remember there was a meeting

11 that you attended -- that you were present and Miss Cap was

12 there and your mother was there. Is that right?

13 A. Yes.

14 Q. And do you think that meeting happened before

15 Christmas?

16 A. Yes.

17 Q. Okay. And was there anyone else there? Was

18 Miss Manus there also?

19 A. Yes.

20 Q. And did they ask you in that meeting, did they ask

21 you what you wanted to do?

22 A. No, I really didn't have much of a say-so.

23 Q. Okay. And did Miss Cap mention to your mother

24 that she had heard that there was some problem -- that you

25 had had some incident with K [REDACTED] and R [REDACTED]? Did she

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<p style="text-align: right;">Page 38</p> <p>1 mention that to your mother?</p> <p>2 A. If she did, I wouldn't remember.</p> <p>3 Q. Okay. You don't remember.</p> <p>4 A. Yes -- yes, as a matter of fact, she did. Yes,</p> <p>5 she did.</p> <p>6 Q. Okay.</p> <p>7 A. Yes, she did.</p> <p>8 Q. When you went home that night, did your mother</p> <p>9 talk to you about it?</p> <p>10 A. Yes.</p> <p>11 Q. What did you and your mother talk about?</p> <p>12 A. Well, she just asked me -- she just asked me my</p> <p>13 story. You know, she asked me what happened, you know.</p> <p>14 She -- she asked me like did I feel that I did anything</p> <p>15 wrong, or something like that.</p> <p>16 Q. And what did you say?</p> <p>17 A. Told her no.</p> <p>18 Q. Okay. Now, after the -- do you know whether after</p> <p>19 the incident with K[REDACTED] and R[REDACTED], whether the kids in</p> <p>20 school were talking about it? Did you hear that, you know,</p> <p>21 the kids -- for instance, did anyone come up to you and ask</p> <p>22 you whether anything happened, or did you hear the kids were</p> <p>23 talking about it?</p> <p>24 A. Yes.</p> <p>25 Q. What do you remember about that?</p>	<p style="text-align: right;">Page 40</p> <p>1 mother and Miss Cap about going to alt. ed., that was a</p> <p>2 different meeting than you had with Miss Cap where she</p> <p>3 talked to you about K[REDACTED], right?</p> <p>4 A. Yes.</p> <p>5 Q. And at that meeting where Miss Cap talked to you</p> <p>6 about K[REDACTED], did she also mention R[REDACTED], or did she just</p> <p>7 talk about K[REDACTED]?</p> <p>8 A. She asked me questions, like -- she came up to me</p> <p>9 like, did you -- did you -- because she heard from the</p> <p>10 grapevine, like I did, like through kids talking, asking</p> <p>11 questions. You know, she heard like I did. She asked me</p> <p>12 questions about it.</p> <p>13 Q. What did she ask you? Do you remember?</p> <p>14 A. She asked me what was going on. I denied</p> <p>15 everything; like, hey, I don't know what you're talking</p> <p>16 about.</p> <p>17 Q. Did she ask you if you had had sex with K[REDACTED]</p> <p>18 or R[REDACTED]?</p> <p>19 A. No, she didn't ask me that.</p> <p>20 Q. Did she ask you whether there was oral sex with</p> <p>21 K[REDACTED] or R[REDACTED]?</p> <p>22 A. No.</p> <p>23 Q. She asked you what was going on?</p> <p>24 A. Yeah. I said I don't know what you're talking</p> <p>25 about.</p>
<p style="text-align: right;">Page 39</p> <p>1 A. I -- no, I kept -- the kids kept coming up to me,</p> <p>2 telling me that, you know, R[REDACTED] told them that -- mainly</p> <p>3 girls. R[REDACTED] told me that she gave you oral sex and all of</p> <p>4 that, you know. And she was -- they were wondering if I did</p> <p>5 it or not. Did I let her do it. And all that. They was</p> <p>6 asking me questions like that. And then they just like -- I</p> <p>7 guess they just kept talking about it.</p> <p>8 Q. Did any of the -- did any of the teachers ask you</p> <p>9 about it, do you remember? Miss Scully or Miss Manus?</p> <p>10 A. No.</p> <p>11 Q. Okay. And when the girls talked to you about it,</p> <p>12 what did you say?</p> <p>13 A. (No response.)</p> <p>14 Q. When the other students came up and asked you</p> <p>15 about it, what did you say?</p> <p>16 A. I told them, yeah -- yeah, she -- yeah, she did</p> <p>17 it, all that. Then after a while, I just kept -- they kept</p> <p>18 asking me. I said, it's none of your business. I said, why</p> <p>19 you keep asking me; you all getting on my nerves.</p> <p>20 Q. Did this happen, you know, for a long time, day</p> <p>21 after day?</p> <p>22 A. No.</p> <p>23 Q. Did it go on for a long time?</p> <p>24 A. No. Just for like a day or two. Day and a half.</p> <p>25 Q. Okay. Now, the meeting that you had with your</p>	<p style="text-align: right;">Page 41</p> <p>1 Q. Okay. Do you remember saying to her that you</p> <p>2 thought K[REDACTED] liked you?</p> <p>3 A. I never told her nothing like that.</p> <p>4 Q. Okay. Why did you tell her you didn't know what</p> <p>5 she was talking about, you didn't know what was going on?</p> <p>6 A. Because I -- I didn't want to -- I didn't want her</p> <p>7 in my business. Like, I mean, that's how I feel. It's none</p> <p>8 of her business. She ain't got to know.</p> <p>9 Q. Okay. Now, there was a -- there was another</p> <p>10 meeting. Did your dad ever go to any meetings at the school</p> <p>11 with you?</p> <p>12 A. No.</p> <p>13 Q. Was he -- when you met with Officer Love and</p> <p>14 Miss Woods, was your dad present?</p> <p>15 A. No.</p> <p>16 Q. When did your dad find out about this?</p> <p>17 A. When my mom told him.</p> <p>18 Q. What did your dad do?</p> <p>19 A. Didn't do nothing.</p> <p>20 Q. Okay. Did you think you had done something wrong</p> <p>21 that night at the Laundromat?</p> <p>22 A. No. I -- no, I didn't think I did nothing wrong.</p> <p>23 Q. Did you think B[REDACTED] did something wrong?</p> <p>24 A. At the time, I didn't, because I ain't know what</p> <p>25 she did. You know? I ain't know now -- I don't know -- I</p>

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1 still don't know --

2 (Witness asked for clarification by reporter.)

3 Q. She missed something that you said. I don't know

4 if you can repeat it or not. But I was asking you the

5 question about, you know, what you heard, I guess.

6 A. I said I heard what she did, but I don't know for

7 a fact if she did it or not.

8 Q. What did --

9 A. I ain't see -- I ain't hear nothing -- I just

10 heard through, you know, what other people were telling me.

11 Q. What did other people tell you that she did?

12 A. Not other people, but what -- what they was

13 accusing her with.

14 Q. Oh, okay.

15 A. That's what I heard.

16 Q. What about A [REDACTED] F [REDACTED]. Was he a friend

17 of yours?

18 A. Yes. RP

19 Q. Did you know whether he hit either R [REDACTED] or

20 K [REDACTED] that night?

21 A. Did he do what? KL

22 Q. Hit either R [REDACTED] or K [REDACTED] that night. Hit

23 them.

24 A. I don't know. No.

25 Q. Now, Mr. Marnen asked you some questions about --

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1 I guess there is another student named Russell. What was

2 his name? RH

3 A. H [REDACTED].

4 Q. R [REDACTED] H [REDACTED]. And do you remember if there

5 was a second incident at the Laundromat?

6 A. It wasn't at -- I don't ever -- I don't ever

7 recall no incident like that. Or with her -- with me and

8 him with her. Never -- never even knew it. Like I said, I

9 never -- never had no contact with her, other than the

10 incident.

11 Q. Well, was there -- did -- was there -- did you

12 meet her at the Laundromat a second time?

13 A. No.

14 Q. After you had the -- when -- the first incident,

15 were you leaving -- you were leaving the school from PASS to

16 go home. Is that how that happened?

17 A. Yes.

18 Q. Who else was in PASS with you that day? Do you

19 remember? Was A [REDACTED] in PASS with you?

20 A. Yes. AF

21 Q. A [REDACTED] K [REDACTED], was he in PASS?

22 A. Yes. RP KL

23 Q. Was either R [REDACTED] or K [REDACTED] in PASS?

24 A. No, they was not. No, they -- no. RP

25 Q. Had you ever been in PASS with either R [REDACTED] or

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1 K [REDACTED]?

2 A. If I did, I wouldn't recall it, because I never

3 paid attention to them.

4 Q. Okay. What was PASS like? What did you do in

5 PASS?

6 A. Just sit there and do work.

7 Q. And then who made the decision -- do you remember

8 how it was decided that you would go to the --

9 (Discussion held off the record.)

10 Q. Do you remember, what -- Christian Academy did you

11 go to? What was the name of it?

12 A. First Assembly.

13 Q. Who decided that you would go there?

14 A. My mom.

15 Q. Did she talk -- did she talk to your dad about it?

16 A. Yes.

17 Q. Were you -- were you there when they talked to

18 each other?

19 A. No. I didn't have a say-so. You know, I didn't

20 have a say-so in the matter.

21 Q. Did you want to go there?

22 A. No, I didn't want to leave Strong Vincent, but as

23 I got there, I adjusted to it, and I liked it. KL RP

24 Q. Okay. Did you ever see either K [REDACTED] or R [REDACTED]

25 in school after that incident involving the Laundromat?

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1 A. The day after, yes, I seen them. The day after.

2 Q. What happened when you saw them?

3 A. Like I just seen them from like down the hallway

4 like that.

5 Q. You didn't talk to them?

6 A. No, I wasn't really looking for them -- I wasn't

7 really looking for them. You know?

8 Q. Okay. Did you talk to them?

9 A. No.

10 Q. Now, you say that this happened before Christmas

11 vacation. Is that right? The incident --

12 A. Yes.

13 Q. -- at the Laundromat.

14 A. Yes.

15 Q. And how do you know that it happened before

16 Christmas?

17 A. It was like a couple of days before Christmas

18 break.

19 Q. Now, how do you remember that?

20 A. That's something I just remember, like. I

21 remember it being before Christmas, because, you know, I was

22 anxious of what I was going to get for Christmas.

23 Q. Okay.

24 A. And then I knew because, you know, that incident

25 kind of spoiled my Christmas a little, because my mother

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1 got, you know --

2 Q. What, she knew about it before Christmas?

3 A. Yes.

4 Q. Did it cause her -- I mean, when you say it sort

5 of spoiled the Christmas, what do you mean? What happened?

6 A. Like she was angry at me, you know, because that's

7 why they wanted me to go to a different school, you know.

8 They wanted to send me back to alternative ed., and they

9 were mad at me, you know.

10 Q. Okay. When did you know that the -- when did you

11 learn that the police were going to start asking you

12 questions? How did you learn that?

13 A. They just came and got me out of school one day.

14 They just came and got me and arrested me.

15 Q. Okay. Now, was that when you were at the

16 Christian Academy?

17 A. Yes.

18 Q. Well, how did you know that they wanted to talk to

19 you at Strong Vincent? How did that happen?

20 A. He told me, he said -- he said, you know, you got

21 to have your parent here for me to ask you questions. You

22 know, he told me what it was about. He had me in this

23 little room for like four hours. My mom never showed up,

24 though. She was -- she was coming, though. I guess she had

25 some car problems. So they sent me to Edmund L.

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1 Q. So that's when the police were -- that's when you

2 were with the police?

3 A. Yes.

4 Q. Okay. When you met with Officer Love, the

5 security guard, and Miss Woods, were you in class? Did they

6 just come and get you out of class?

7 A. No, this was after school.

8 Q. After school.

9 A. Yes.

10 Q. Were you in PASS or something?

11 A. Yes, I believe I was.

12 Q. Okay. And your dad -- you don't remember that

13 your dad was present at that meeting.

14 A. I think -- I don't remember -- I don't honestly

15 know, but he probably was, like.

16 Q. Okay.

17 A. You know, it's a long time ago.

18 Q. Okay. When Miss Woods and Wally Love talked to

19 you on January 9th -- well, in January, did they tell you --

20 well, I mean, what did they say to you? Did they say we

21 have information that you assaulted K. and R.? Is

22 that what they said to you?

23 A. They was just asking me questions, like what

24 happened. Like that: what happened. You know, because they

25 had B. and A. and questioned them already. They got

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1 me in the office and started questioning me and asking me

2 what happened, stuff like that. **BC**

3 Q. Did you know -- had you talked to B. about the

4 fact that they had questioned her?

5 A. No, I just seen her outside the office.

6 Q. Okay. But you knew they were questioning her?

7 A. I wouldn't say -- I can't say that, because I

8 never heard nothing about them questioning them. But that's

9 my assumption, because they was in there with the same

10 people.

11 Q. Okay.

12 A. They asked me questions, you know. So that would

13 be my assumption.

14 Q. When they asked you the questions they asked you,

15 what did you say? What did you say about what happened?

16 A. They asked me what happened, and, you know, I told

17 them -- I told them what happened. He just -- he just, all

18 right. Then that's when she said I assaulted them, or

19 something like that. Or like -- or did you know -- asked

20 me, did you know she was under the age of consent. You

21 know?

22 (Witness asked for clarification by reporter.)

23 Q. Under the age of consent. What did you say when

24 she asked you that question?

25 A. I didn't know -- I didn't know -- I said, I don't

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1 know. Because I didn't know what she was talking about.

2 Because we was the same age, like.

3 Q. Okay. Did you ever hear about kids bothering

4 either R. or K. in school?

5 A. I can't say they wasn't or they were because, you

6 know, I never was paying attention to them.

7 MR. OLDS: Okay. I don't have any other

8 questions, C.

9 MR. MARNEN: Charles, I have a couple more.

10

11 REDIRECT EXAMINATION

12 BY MR. MARNEN:

13

14 Q. I'm a little bit confused on the -- on the

15 progression of events here. And if you'll bear with me, I'd

16 appreciate it.

17 You very clearly said that the incident occurred

18 within a couple days of Christmas vacation, and you actually

19 used the dates December 17th and December 21st, so I guess

20 that was the range in which it happened; somewhere in there?

21 A. Yes.

22 Q. Okay. And then at some point thereafter, I think

23 you said within a couple days, you started hearing -- girls

24 started asking you about whether you had had oral sex

25 performed on you?

13 (Pages 46 to 49)

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<p style="text-align: right;">Page 50</p> <p>1 A. Yes, it was -- yeah, it was the next day, after</p> <p>2 the incident.</p> <p>3 Q. The very next day. And you said that one of the</p> <p>4 girls was telling other girls --</p> <p>5 A. Yes.</p> <p>6 Q. -- at Strong Vincent that that happened?</p> <p>7 A. Yes. RP KL</p> <p>8 Q. Was that girl R [REDACTED] or K [REDACTED]?</p> <p>9 MR. OLDS: Objection. Hearsay.</p> <p>10 A. It was both of them. Because they both was</p> <p>11 telling they friends. And the friends would come to like</p> <p>12 ask me, is that true, that you let them give you oral sex.</p> <p>13 Q. And what I am trying to find out, though, is what</p> <p>14 you were told by these girls about who was spreading this</p> <p>15 around.</p> <p>16 A. Could you say that again?</p> <p>17 KL Q. Who was spreading the information around?</p> <p>18 K [REDACTED] or R [REDACTED] or both of them?</p> <p>19 A. They was telling me both of them.</p> <p>20 MR. OLDS: Objection. Hearsay. Lack of</p> <p>21 foundation.</p> <p>22 Q. Your information was both of them?</p> <p>23 A. Yes.</p> <p>24 Q. The conversation with Miss Cappabianca, that took</p> <p>25 place before Christmas vacation?</p>	<p style="text-align: right;">Page 52</p> <p>1 that also took place afterwards? After Christmas?</p> <p>2 A. I think it was before.</p> <p>3 Q. Before Christmas?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. But you didn't talk to the police until</p> <p>6 after Christmas?</p> <p>7 A. Yes. Yes. But I was at the Christian Academy</p> <p>8 when they came and got me.</p> <p>9 MR. MARNEN: Okay. That's all I have. Thank you,</p> <p>10 C [REDACTED]</p> <p>11 MR. OLDS: Just one more.</p> <p>12</p> <p>13 RE-CROSS-EXAMINATION</p> <p>14 BY MR. OLDS:</p> <p>15</p> <p>16 Q. I think I have just one question, C [REDACTED]</p> <p>17 Did you say that Miss Cap asked you, what's this I</p> <p>18 hear about you having oral sex? Is that -- I'm not sure I</p> <p>19 heard whether you said that.</p> <p>20 A. Yes.</p> <p>21 Q. She did say that?</p> <p>22 A. Yes.</p> <p>23 MR. OLDS: That's -- no other questions.</p> <p>24 MR. MARNEN: C [REDACTED], you have a right as the</p> <p>25 witness to review the transcript of your</p>
<p style="text-align: right;">Page 51</p> <p>1 A. Yes.</p> <p>2 Q. And that's the conversation during which she asked</p> <p>3 you what happened?</p> <p>4 A. Yes.</p> <p>5 Q. And did she talk to you about either one of these</p> <p>6 girls specifically by name?</p> <p>7 A. No, she just said, what happened. You know,</p> <p>8 what's going on.</p> <p>9 Q. Well, did you have any idea what she was talking</p> <p>10 about?</p> <p>11 A. At first I didn't. Like, she was like, what's</p> <p>12 going on with all this -- I'm hearing this -- like hearing</p> <p>13 this stuff about you having -- like -- she said like you're</p> <p>14 having oral sex.</p> <p>15 Q. Oral sex with --</p> <p>16 A. She asked me that.</p> <p>17 Q. Oral sex with whom? Did she say any names?</p> <p>18 A. I can't say that; if she did or not, because I</p> <p>19 don't remember.</p> <p>20 Q. Okay. Now, the conversation about going to</p> <p>21 alternative education, did that take place before Christmas</p> <p>22 or after?</p> <p>23 A. After.</p> <p>24 Q. And the conversation with Wally Love and with</p> <p>25 Miss Woods where they accused you of doing something wrong,</p>	<p style="text-align: right;">Page 53</p> <p>1 deposition after it has been prepared. The court</p> <p>2 reporter has been working hard this morning here</p> <p>3 taking notes. She is going to prepare a</p> <p>4 typewritten transcript of every word that was said</p> <p>5 this morning.</p> <p>6 You have a right to review that and to sign</p> <p>7 it and to indicate if there are any mistakes in</p> <p>8 the transcript. You don't have to do that if you</p> <p>9 don't want to. It's up to you. What would you</p> <p>10 like to do?</p> <p>11 THE WITNESS: I'd like to read it.</p> <p>12 MR. MARNEN: Okay. Let me make sure I have your</p> <p>13 address. It's Glen Mills Schools, 185 Glen Mills</p> <p>14 Road, Glen Mills, Pennsylvania? Or is there a</p> <p>15 mailing address that we ought to send it to?</p> <p>16 Maybe the gentleman in the room could tell us.</p> <p>17 THE WITNESS: That was it, what you said.</p> <p>18 MR. MARNEN: I got it right? Okay.</p> <p>19 THE WITNESS: Yes.</p> <p>20 MR. MARNEN: So if we mailed something to you,</p> <p>21 we've got to send it there. Do you know the Zip</p> <p>22 Code, C [REDACTED]?</p> <p>23 THE WITNESS: 19331 CR</p> <p>24 MR. MARNEN: Okay, C [REDACTED], thanks a lot. Have a</p> <p>25 nice day.</p>

14 (Pages 50 to 53)

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1	MR. OLDS: Thank you, [REDACTED]
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3	(Deposition concluded at 11:13 a.m.)
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